

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

RONALD J. ALLISON,

Plaintiff,

v.

L.V.M.P.D.,

Defendant.

Case No. 2:22-cv-00331-JAD-VCF

ORDER

I. DISCUSSION

On February 22, 2022, Plaintiff, an inmate currently located at the Clark County Detention Center, submitted a civil rights complaint under 42 U.S.C. § 1983. (ECF No. 1-1). Plaintiff has not submitted a complaint in compliance with Local Special Rule 2-1 or an application to proceed *in forma pauperis* or paid the full \$402 filing fee in this matter.

Complaint

The Court notes that Plaintiff's document at ECF No. 1-1 does not comply with Local Special Rule 2-1 ("LSR 2-1"). Under LSR 2-1, a civil rights complaint filed by a person who is not represented by an attorney must be submitted on the form provided by the court or must be legible and contain substantially all the information called for by the court's form. As such, the Court grants Plaintiff a **one-time** extension until on or before **April 29, 2022** to submit complaint to the Court in compliance with LSR 2-1. The Court will also provide Plaintiff a copy of the Court's § 1983 complaint form with instructions.

Application to Proceed in Forma Pauperis

Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to commence a civil action may apply to proceed *in forma pauperis*, which allows the inmate to file the civil action without prepaying the full \$402 filing fee. To apply for *in forma pauperis* status, the inmate must submit all three of the following documents to the Court:

(1) a completed **Application to Proceed in Forma Pauperis for Inmate**, on this

1 Court's approved form (i.e. pages 1 through 3 with the inmate's two signatures on
2 page 3),

3 (2) a **Financial Certificate** properly signed by both the inmate and a facility or jail
4 official (i.e. page 4 of this Court's approved form), and

5 (3) a copy of the **inmate's facility or jail trust fund account statement for the**
6 **previous six-month period**. If Plaintiff has not been at the facility a full six-month
7 period, Plaintiff must still submit an inmate account statement for the dates he has
8 been present at the facility.

9 Accordingly, the Court grants Plaintiff a **one-time extension** until on or before **April**
10 **29, 2022** to file a fully complete application to proceed *in forma pauperis* containing all three
11 of the required documents. Absent unusual circumstances, the Court will not grant any
12 further extensions of time. If Plaintiff does not file a fully complete application to proceed
13 *in forma pauperis* with all three required documents on or before **April 29, 2022**, the Court
14 will recommend dismissal of this case without prejudice for Plaintiff to file a new case with
15 the Court when Plaintiff is able to acquire all three of the documents needed to file a fully
16 complete application to proceed *in forma pauperis*.

17 A dismissal without prejudice means Plaintiff does not give up the right to refile the
18 case with the Court, under a new case number, when Plaintiff has all three documents
19 needed to submit with the application to proceed *in forma pauperis*. Plaintiff may choose
20 not to file an application to proceed *in forma pauperis* and instead pay the full filing fee of
21 \$402 on or before **April 29, 2022** to proceed with this case.

22 The Court will retain Plaintiff's civil rights Complaint (ECF No. 1-1), but the Court will
23 not file the Complaint unless and until Plaintiff timely files a fully complete application to
24 proceed *in forma pauperis* with all three documents or pays the full \$402 filing fee.

25 **II. CONCLUSION**

26 For the foregoing reasons, IT IS HEREBY ORDERED that the Clerk of the Court
27 will send to Plaintiff the approved form for filing a § 1983 complaint, instructions for the
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1 same, and a copy of his original document at ECF No. 1-1.

2 IT IS FURTHER ORDERD that Plaintiff will have until on or before **April 29, 2022**
3 to submit complaint to the Court in compliance with LSR 2-1.

4 IT IS FURTHER ORDERED that, if Plaintiff does not file a complaint in compliance
5 with LSR 2-1 on or before **April 29, 2022**, this case will be subject to dismissal without
6 prejudice for Plaintiff to refile the case with the Court, under a new case number, when
7 Plaintiff is able to file a complaint in compliance with LSR 2-1.

8 IT IS FURTHER ORDERED that the Clerk of the Court will send Plaintiff the
9 approved form application to proceed *in forma pauperis* by an inmate, as well as the
10 document entitled information and instructions for filing an *in forma pauperis* application.

11 IT IS FURTHER ORDERED that on or before **April 29, 2022**, Plaintiff shall either
12 pay the full \$402 filing fee for a civil action (which includes the \$350 filing fee and the \$52
13 administrative fee) or file with the Court:

14 (1) a completed **Application to Proceed in Forma Pauperis for Inmate** on this
15 Court's approved form (i.e. pages 1 through 3 of the form with the inmate's two
16 signatures on page 3),

17 (2) a **Financial Certificate** properly signed by both the inmate and a facility or jail
18 official (i.e. page 4 of this Court's approved form), and

19 (3) a copy of the **inmate's facility or jail trust fund account statement for the**
20 **previous six-month period**. If Plaintiff has not been at the facility a full six-month
21 period, Plaintiff must still submit an inmate account statement for the dates he has
22 been present at the facility.

23 IT IS FURTHER ORDERED that, if Plaintiff does not file a fully complete application
24 to proceed *in forma pauperis* with all three documents, or pay the full \$402 filing fee for a
25 civil action on or before **April 29, 2022**, the Court will recommend dismissal of this action
26 without prejudice for Plaintiff to refile the case with the Court, under a new case number,
27 when Plaintiff has all three documents needed to file a complete application to proceed *in*
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1 *forma pauperis.*

2 IT IS FURTHER ORDERED that the Clerk of the Court shall retain Plaintiff's civil
3 rights Complaint, ECF No. 1-1, but the Court will not file it at this time.

4 DATED: 3-1-2022 _____

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7 UNITED STATES MAGISTRATE JUDGE
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